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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,730	10/24/2003	Luc Leenders	224791	2390
23460	7590	01/24/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780				WILLIAMS, KEVIN D
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/693,730	LEENDERS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kevin D. Williams	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. Claims 6, 8, 11, 13, 14, and 15 are objected to because of the following informalities:

Claims 6, 8, 11, 13, 14, and 15 recite the limitation "said aqueous fountain medium." This limitation lacks proper antecedent basis in the claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe a fountain medium being 100% water and further comprising a solution having at least one moiety. If the fountain medium is 100% water then it can not comprise at least one moiety.

Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe a fountain medium being 100% water and further comprising a solution having at least one moiety.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how a fountain medium can be 100% water and still further comprise a solution having at least one moiety.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Delabastita (US 2005/0053867).

Delabastita teaches a process for the printing of a receiving medium with a functional pattern comprising in any order the steps of applying a printing ink to a printing plate ([0003]) and wetting said printing plate with a fountain medium comprising between 50% by weight and 100% by weight of water ([0003]; 100% water), said fountain medium further comprising as a solution or a dispersion at least one moiety having at least coloring, pH-indicating, whitening, fluorescent phosphorescent, X-ray phosphor or conductive properties.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida (US 5,163,999).

Uchida teaches a process for offset printing comprising, applying a printing ink to a printing plate and wetting said printing plate with a fountain medium comprising between 50% by weight and 100% by weight of water (col. 4, lines 11-16; col. 6, lines 44-46; col. 8, lines 10-14; col. 10, lines 14-16; solution comprises at most 15% organic solvent, 10% thickening agent, and 10% surfactant; remaining part is water), said fountain medium further comprising as a solution or a dispersion at least one moiety having at least coloring (col. 11, lines 16-19), pH-indicating (col. 10, lines 17-20), whitening, fluorescent, phosphorescent, X-ray phosphor or conductive properties (water

is conductive), said moiety being an intrinsically conductive polymer, said aqueous fountain medium having a viscosity at 25°C after stirring to constant viscosity of 30 mPa.s as measured according to DIN 53211 (Abstract).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Kirchmeyer (US 2002/0077450).

Uchida teaches the claimed invention except for the intrinsically conductive polymer being selected from the group consisting of polyanilines, polyaniline derivatives, polypyrroles, polypyrrole derivatives, polythiophenes and polythiophene derivatives, the intrinsically conductive polymer being selected from the group consisting of homopolymers of (3,4-methylenedioxy-thiophene), (3,4-methylenedioxythiophene) derivatives, (3,4-ethylenedioxythiopene), (3,4-ethylenedioxythiophene) derivatives, (3,4-propylenedioxythiophene), (3,4-propylenedioxythiophene) derivatives, (3,4-butylenedioxythiophene) and (3,4-butylenedioxythiophene) derivatives and copolymers thereof, the fountain medium further containing a polyanion being a poly(styrenesulfonate), and the fountain medium further comprising a di- or polyhydroxy- and/or carboxy groups or amide or lactam group

containing organic compound being selected from the group consisting of 1,2-propandiol, propylene glycol, diethylene glycol, N-methyl pyrrolidinone and di (ethylene glycol) ethyl ether acetate.

Kirchmeyer teaches an intrinsically conductive polymer being selected from the group consisting of polyanilines, polyaniline derivatives, polypyrroles, polypyrrrole derivatives, polythiophenes ([0044]) and polythiophene derivatives, the intrinsically conductive polymer being selected from the group consisting of homopolymers of (3,4-methylenedioxy-thiophene) ([0031]), (3,4-methylenedioxythiophene) derivatives, (3,4-ethylenedioxythiopene), (3,4-ethylenedioxythiophene) derivatives, (3,4-propylenedioxythiophene), (3,4-propylenedioxythiophene) derivatives, (3,4-butylenedioxythiophene) and (3,4-butylenedioxythiophene) derivatives and copolymers thereof, a solution containing a polyanion being a poly(styrenesulfonate) ([0032]), and a solution comprising di- or polyhydroxy- and/or carboxy groups or amide or lactam group containing organic compound being selected from the group consisting of 1,2-propandiol, propylene glycol, diethylene glycol (0037]), N-methyl pyrrolidinone and di (ethylene glycol) ethyl ether acetate.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uchida to have the solution as taught by Kirchmeyer, in order to utilize components that dissolve quickly in solvents.

10. Claims 4, 11, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Louwet (6,632,472).

Uchida teaches the claimed invention except for the intrinsically conductive

polymer being a polymer or copolymer of a 3,4-dialkoxythiophene in which the two alkoxy groups may be the same or different or together represent an optionally substituted oxy-alkylene-oxy bridge, an aprotic organic compound with a dielectric constant  $\geq 15$  and a non-ionic or anionic surfactant, where the fountain medium contains a dye and/or pigment such that the color tone of the ink and color tone of the aqueous fountain medium cannot be distinguished by the human eye when applied onto a receiving medium, and where the printing ink contains a dye and/or pigment such that the color tone of the ink and the fountain medium cannot be distinguished by the human eye when applied onto a receiving medium.

Louwet teaches an intrinsically conductive polymer being a polymer or copolymer of a 3,4-dialkoxythiophene in which the two alkoxy groups may be the same or different or together represent an optionally substituted oxy-alkylene-oxy bridge (col. 6, lines 36-44), an aprotic organic compound with a dielectric constant  $\geq 15$  (col. 4, lines 30-34) and a non-ionic or anionic surfactant (col. 11, lines 1-3), where the fountain medium contains a dye and/or pigment such that the color tone of the ink and color tone of the aqueous fountain medium cannot be distinguished by the human eye when applied onto a receiving medium, and where the printing ink contains a dye and/or pigment such that the color tone of the ink and the fountain medium cannot be distinguished by the human eye when applied onto a receiving medium.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uchida to have the solution as taught by Louwet, in order to reduce the amount of energy required to dissolve the ingredients as taught by Louwet.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Kirchmeyer as applied to claims 3 and 5-9 above, and further in view of Domoto (US 6,827,435).

Uchida in view of Kirchmeyer teaches the claimed invention except for heating the receiving medium within 10 minutes after printing to a temperature of 100 to 250°C.

Domoto teaches a printing device having a step subsequent to printing in which a receiving medium within 10 minutes of printing is heated to a temperature of 100 to 250°C (col. 6, lines 30-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to additionally modify Uchida to have the heating of the receiving medium as taught by Domoto, in order to prevent the printed images from smearing.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Louwet as applied to claims 4, 11, 13, 15 and 16 above, and further in view of Domoto.

Uchida in view of Louwet teaches the claimed invention except for heating the receiving medium within 10 minutes after printing to a temperature of ≤150°C.

Domoto teaches a printing device having a step subsequent to printing in which a receiving medium within 10 minutes of printing is heated to a temperature of ≤150°C (col. 6, lines 30-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to additionally modify Uchida to have the heating of the receiving medium as taught by Domoto, in order to prevent the printed images from smearing.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571) 272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW  
January 23, 2006



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